

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JAMES ERNEST DICKERSON,

Petitioner,

v.

CAROL PORTER,

Respondent.

Case No. C05-5793RJB

ORDER ON PENDING MOTIONS

This 28 U.S.C. § 2254 petition for habeas corpus relief has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636 (b) and local Rules MJR 3 and 4. Petitioner in this action is seeking federal habeas corpus relief pursuant to 28 U.S.C. § 2254.

Petitioner has asked for an extension of time. (Dkt. # 10). At the time this motion was made the petition had just been served, no notice of appearance had been entered, and there was no answer. The motion is premature and seems to be based on misconceptions as to how the process works.

The petition has been filed and ordered served. The petition consists of the documents filed January 3rd, 2006. (Dkt. # 4). Neither the court nor respondent will consider “supplemental” filings like the seven page document filed January 31st, 2006. (Dkt. # 12). That document will remain in

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1 the file. To supplement the petition, petitioner would need to bring a motion, show why the petition
2 needs to be supplemented and serve the documents on opposing counsel so he would have a chance
3 to respond to the motion. See, Local Rule 7.

4 The court is now waiting for an answer to the petition from respondent. After that answer is
5 filed the petitioner may file a traverse that addresses the arguments made by respondent. If petitioner
6 needs more time to file a traverse that would be the appropriate time to bring a motion for a
7 continuance. The current motion is **DENIED**.

8 The next motion before the court is respondent's motion for an extension of time to file an
9 answer. (Dkt. # 15). Counsel indicates he is involved in a death penalty case set for an evidentiary
10 hearing in March and he request an extension of time to answer this petition. The respondent's
11 counsel has shown good cause for an extension of time and the motion is **GRANTED**. An answer
12 will be due on or before **April 14th, 2006**.

13 Petitioner's traverse would be due four weeks after the filing of an answer The clerk is
14 directed to send copies of this order to petitioner and counsel for respondent and note the April 14th,
15 2006 date.

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17 DATED this 13th day of March, 2006.

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19 /S/ J. Kelley Arnold
20 J. Kelley Arnold
21 United States Magistrate Judge
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